

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Zareefa Flener on March 8, 2010.

The application has been amended as follows:

Claim 1 Lines 8-9, "...wherein the fastening ring is spaced apart from the membrane supporting element ..." has been amended to read , "*...wherein the fastening ring is spaced apart from the membrane supporting element*"

Claims 5 and 13 have been cancelled, because the claim limitations for claims 5 and 13 have been incorporated into independent claim 1.

Claim 6 Line 1, "A valve assembly according to claim 5 ..." has been amended to read "*A valve assembly according to claim 1*"

Claim 14 Line 1, "A drinking mouthpiece according to claim 13 ..." has been amended to read "*A drinking mouthpiece according to claim 1*"

Claim 15 Line 1, "A drinking mouthpiece according to claim 13 ..." has been amended to read "*A drinking mouthpiece according to claim 1*"

Allowable Subject Matter

2. Claims 1-4, 6-12, and 14-26 are allowed as amended by the applicant, and through the Examiner's Amendment. The following is an examiner's statement of reasons for allowance.

Regarding Amended Claim 1, the prior art discloses most of the claimed invention; however, the prior art does not expressly disclose that the fastening ring is spaced apart from the membrane supporting element in a longitudinal direction of the drinking mouthpiece.

The closest prior art to the claimed invention are the following:

Suffa et al. (WIPO 95/26306) [Suffa],
Esposito, Jr. (3,232,499) [Esposito],
Meins (4,415,097),
Croyle (3,321,114),
Laauwe (4,747,518),
Baudin et al. (5,924,605), and
Backes (2005/0173456).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments, see Remarks Page 9 Lines 2-6 and 21-25, filed December 18, 2009, with respect to the §103(a) rejection of claim 1 as obvious over Suffa in view of Esposito, have been fully considered and are persuasive. The §103(a) rejection of claim 1 has been withdrawn.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: see PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. HICKS whose telephone number is (571)270-1893. The examiner can normally be reached on Monday-Friday, 8:30 AM - 5:00 PM, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J Hicks/
Examiner, Art Unit 3781

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781